

The Trafficking Survivors Relief Act – A Quick Summary

The Trafficking Survivors Relief Act (TSRA) was signed into law on January 23, 2026, and was effective immediately.

Summary:

The TSRA allows trafficking survivors a path to clear their record of certain federal offenses and arrests that resulted from trafficking. The TSRA also provides that survivors of trafficking may assert the defense of duress against criminal charges and as a mitigating factor to seek a reduction in a sentence previously imposed.

There is no cost to file a TSRA motion.

Vacatur and Expungement:

Under the TSRA (18 U.S.C. § 3771A), trafficking survivors may file a motion in federal court to vacate convictions and expunge arrests. Only convictions for nonviolent crimes are eligible to be vacated. However, arrests for nonviolent and certain violent crimes can be expunged.

Motion for Relief:

To vacate a conviction or expunge an arrest, a TSRA motion must **(1)** be filed in the court that imposed the sentence when moving for vacatur or in the district where arrests occurred when motioning for arrest record expungement; **(2)** establish that the offense is eligible for relief; and **(3)** show, by a preponderance of evidence, that participation in the offense was a direct result of being a victim of trafficking. TSRA motions should include supporting evidence, such as an affidavit or sworn testimony from service providers or law enforcement officers. The US Attorney's Office may file a response in opposition to the motion.

Procedures:

Once a TSRA motion is filed, the US Attorney's Office has 30 days to file a response. If a response is filed, the court must hold a hearing within 15 days of the date the response is filed. If no response is filed, a hearing is not required, but if the court chooses to hold one, it must take place within 45 days.

Effect of TSRA motion:

When a TSRA motion to vacate a conviction is granted, the court will enter a judgment of acquittal, and enter an expungement order for all records related to the offense. If a TSRA motion to expunge an arrest is granted, the court will issue an order to expungement all records of the arrest and any related criminal proceedings. The court granting the motion shall take any additional action necessary to provide full relief.

Denial, Re-filing, and Appeal:

If a court denies a TSRA motion, it must issue a written opinion explaining the reason. If that reason is curable, the court must allow an opportunity to cure the deficiency and re-file the motion. Denial of a TSRA motion can be appealed to a federal Circuit Court.

Reduction of Sentence:

A TSRA motion may be used to reduce a prison term for trafficking survivors who are still incarcerated for a violent crime not involving a child.

Human Trafficking Victim Defense:

Under the TSRA, trafficking victims may establish duress by showing they were a trafficking victim when they committed the offense. Whether or not the human trafficking victim defense was asserted during prosecution has no impact on the ability to assert it as a mitigating factor at sentencing or in seeking post-conviction relief.

